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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,689	01/14/2002	Tomoyuki Asahara	1163-0385P	9014
2292	7590	10/20/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, DALENA	
			ART UNIT	PAPER NUMBER

3661

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/030,689

Applicant(s)

ASAHARA ET AL.

Examiner

Dalena Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/21/04, and 7/26/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 6/21/04, and 7/26/04. As per request, claims 1,3,5,7, and 12 has been amended. Thus, claims 1-12 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4,6-7,9, and 11-12, are rejected under 35 U.S.C.103(a) as being unpatentable over Herbst et al. (6,321,161) in view of Moroto et al. (5,787,383).

As per claim 1, Herbst et al. disclose a navigation device, comprising a route searching which when at anytime requested by a user, searches an entire route to destination when the destination is set (see column 5, lines 4-7), and a list display which lists and displays guide points on the route searched (see column 5, lines 19-52). Herbst et al. do not disclose a bypass setting. However, Moroto et al. disclose a receiving which, upon designating at least two of guide points, receives a bypass setting for a section connecting the at least two guide points when the list display lists and displays the guide points on the entire route (see column 22, lines 40-57), and wherein when receives the bypass setting for the section connecting the at least two guide points, re-searches the route to the destination in accordance with the setting result (see column 24, line 49 to column 25, line 29; and column 25, line 53 to column 26, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the teach of Herbst et al. by combining receives a bypass setting for a section connecting the at least two guide points when the list display lists and displays the guide points on the route to allow the driver planning an alternative route in case of traffic congestion and choose another route faster.

As per claim 2, Moroto et al. discloses receives a bypass setting for an arbitrary guide point (see column 9, line 49 to column 10, line 49).

Also, as per claim 3, Moroto et al. discloses a storage stores the bypass setting and searches the entire route to the destination, route searching refers to the bypass settings stored in the storage (see column 27, lines 38-49).

As per claim 4, Herbst et al. do not disclose modifications on the bypass settings. However, Moroto et al. disclose modifications on the bypass settings while indicating the bypass settings stored in the storage (see column 2, lines 34-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al. by combining modifications on the bypass settings while indicating the bypass settings stored in the storage to provide an optimum route between locations in a geographic region.

As per claim 6, Herbst et al. do not disclose bypass time and date. However, Moroto et al. disclose store the bypass setting to which a bypass time and date are added (see column 9, line 49 to column 10, line 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al. by combining store the bypass setting to which a bypass time and date are added to provide traffic update when calculating optimal routes.

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As per claim 7, Herbst et al. disclose a method for searching a route in a navigation device, comprising: inputting entire route information in the navigation device at anytime by a user (see column 5, lines 4-7). Herbst et al. do not disclose searching an optimal route based on map data stored in a map database, and a bypass setting. However, Moroto et al. disclose searching an optimal route based on map data stored in a map database and the inputted entire route information (see column 5, lines 16-55), retrieving from the map database one or more guide points associated with the optimal route (see column 5, line 56 to column 6, line 17), listing the one or more guide points on a display (see column 7, line 30 to column 8, line 57; and column 9, lines 12-26), determining by the user whether to select a bypass setting based on the listed guide points, the bypass setting indicating which guide points should be bypassed (see column 22, lines 40-57), and performing an updated search of the optimal route based on the bypass setting (see column 24, line 49 to column 25, line 29; and column 25, line 53 to column 26, line 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al. by combining receives a bypass setting for a section connecting the at least two guide points when the list display lists and displays the guide points on the route to allow the driver planning an alternative route in case of traffic congestion and choose another route faster.

Also, as per claim 9, Moroto et al. disclose storing selected bypass setting in a memory for retrieval during route searching (see column 27, lines 38-49).

As per claim 11, Moroto et al. disclose providing a date and time stamp for each stored bypass setting (see column 9, line 49 to column 10, line 49).

Claim 12, is apparatus claim corresponding to method claim 7 above. Therefore, it is rejected for the same rationales set forth as above.

4. Claims 5,8, and 10, are rejected under 35 U.S.C.103(a) as being unpatentable over Herbst et al. (6,321,161), and Moroto et al. (5,787,383) as applied to claims 4,7, and 9 above, and further in view of Kirson (5,220,507).

As per claim 5, Herbst et al., and Moroto et al. do not disclose indicates the bypass settings stored in the storage before the route searching searches the route to the destination. However, Kirson discloses indicates the bypass settings stored in the storage before the route searching searches the route to the destination (see column 4, lines 27-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al., and Moroto et al. by combining indicates the bypass settings stored in the storage before the route searching searches the route to the destination for planning a route and an alternate route for traveling to the destination.

Also, as per claim 8, Kirson discloses one or more sections of the optimal route defined by the guide points may be bypassed (see column 3, lines 50-68).

As per claim 10, Herbst et al., and Moroto et al. do not disclose updated list of guide points. However, Kirson discloses updated list of guide points based on the updated optimal route (see column 7, line 25 to column 8, line 27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Herbst et al., and Moroto et al. by combining updated list of guide points to provide to a driver the latest road condition in planning a route.

Remarks

5. Applicant's argument filed on 6/21/04, and 7/26/04 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Patent Examiner
Dalena Tran



October 15, 2004